ment most "strongly against the grantor." 2 PERRY, TRUSTS, p. 1188. Another justification is that of *Biscoe v. Jackson*, 35 Ch. Div. 460 (1887), where Mr. Justice Kay said that if the mode of applying the gift could be separated from the intent, then the intent should be taken to be a general gift to a charity. (Cited with approval in 4 MICH. L. REV. 287.) It is to be observed that the dissenting judges based their position on a strict interpretation such as would govern an ordinary private contract.

WILLS—REVOCATION—UNDUE INFLUENCE.—In a case which is reported as a syllabus only, the Georgia Court of Appeals *held*, that "The fact that the deceased had made a will and had been intimidated into destroying it is not relevant, upon an application for administration upon the estate of the deceased, to negative the fact of intestacy; and such evidence was properly excluded." *Pate v. Pate* (Ga. App.), 113 S. E. 50.

This holding seems to find no support either in principle or authority. PAGE, WILLS, §§ 256-257; GARDNER, WILLS (Ed. 2), pp. 231-2; JARMAN, WILLS (Ed. 6), pp. 145 *et seq.* "Substantially as much capacity is required to revoke a will as to make one." GARDNER, op. cit., p. 232. And the revocation, like the execution, of a will is vitiated by insanity of the testator, by undue influence ("intimidation"), etc., inducing the revocation. Insanity undue influence, etc., are matter of fact dehors the will or its revocation; hence, unless these vitiating circumstances are to be ignored entirely in connection with revocation, parol evidence must be admitted in this class of cases in order to prove (as was sought to be done in the principal case) that the mere physical destruction of his will by a testator is not the product of the free will of a competent actor, is not accompanied, in the legal sense, by *animus revocandi*, is not, in short, the revocatory act that it seems to be.